

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CINDER BLOCK, INC.
a California corporation,

Plaintiff,

vs.

JOHN DOES 1-100, individuals,
JANE DOES 1-100, individuals,
and XYZ COMPANY, business
entity form unknown, inclusive,

Defendants.

CIVIL ACTION NO. 05-11641 RWZ

DECLARATION OF JEFFREY BISCHOFF

I, JEFFREY BISCHOFF, hereby declare as follows:

1. I make this declaration in support of Cinder Block, Inc.'s ("Plaintiff") request that a preliminary injunction and order of seizure issue in this matter.

2. I have personal knowledge of the facts set forth herein and am authorized by Plaintiff to make this declaration. If called as a witness, I could and would be able to testify competently to such facts.

3. I make this declaration to inform the Court about the service of the Temporary Restraining Order; Order of Seizure; and Order to Show Cause Re: Preliminary Injunction (the "Order") previously issued by this Court and to support Plaintiff's request for a nationwide preliminary injunction and order of seizure be issued. The Order was issued to allow the seizure of unauthorized Tour Merchandise, as known as "Unauthorized Merchandise," that contains the federally registered name, likenesses and tour logos of the popular recording group "GREEN DAY" (the "Artist").

4. I am responsible for, among other duties, coordinating the seizure of Unauthorized Merchandise pursuant to the Order.

5. As expected, the Defendants appeared with the Unauthorized Merchandise at the Artist's performance. We seized over Eighty (80) unauthorized T-shirts since this Court has issued the Order. True and correct copies of some of the proofs of service and receipts for goods seized are attached hereto as Exhibit "A." Plaintiff's attorneys received samples of the Unauthorized Merchandise we seized and original authorized merchandise for use in connection with these proceedings.

6. Almost all of the Defendants refused to identify themselves when served with the Order and the other documents and they do not carry any identification. In addition, many of the Defendants refused to accept a copy of the Order and the receipt. Often the Defendants, when approached by the officer or other process server, would ask if the server had an injunction or order. When the server responded in the affirmative and tried to serve the Order, the Defendants would hand over or drop the Unauthorized Merchandise (and the Order just served on them) and then walk or run away before the server could give to them a receipt.

7. As has been my experience with past tours of other artists, it is expected that these Defendants will travel to each of the upcoming performances of the Artist. I have already seen some of the Defendants served at one performance appear at another performance on the tour selling Unauthorized Merchandise. Most of the unauthorized T-shirts seized were identical or nearly identical to each other. Some of the T-shirts are "professional quality" and appear to have been produced in quantity and originated from a common source. All of the individuals from whom the Unauthorized Merchandise was

seized circulated in the crowd as the audiences were entering the arenas. Because they sold their goods before the show, they preempted Plaintiff's opportunity to sell authorized merchandise within the venue itself. Also some Defendants have brought the Unauthorized Merchandise into the venue.

8. As stated in my previous declaration, in all of the matters I have handled since joining Plaintiff many years ago, I am not aware of any Defendant appearing in any action filed by Plaintiff, though hundreds of people have been served and many of pieces of Unauthorized Merchandise have been seized.

9. As previously discussed, the Artist is extremely popular and the tour has been well received. Therefore, due to the popularity of the tour, additional dates are in the process of being added. Should the Court so require, we will inform the Court periodically of these additional dates as they are added to the schedule.

10. Based upon the foregoing, Plaintiff is requesting that the Court extend the effect of the Order and grant a preliminary injunction binding upon all persons served with process, and on any other persons acting in concert with them, from selling Unauthorized Merchandise on the tour, and allowing Plaintiff to seize such unauthorized merchandise.

I declare under penalty of perjury under the laws of the United States and the State of Massachusetts that the foregoing is true and correct.

Executed the 31 day of September, 2005 at Oakland, California.



JEFFREY BISCHOFF

SERVICE OF PROCESS AND RECEIPT FOR GOODS SEIZED

I, the undersigned below, being over 18 years of age and not a party to this action, a United States Marshal, state police officer, local police officer, local deputy sheriff, or off-duty officer of the same, or a person acting under their supervision, served a copy of the Complaint and the Temporary Restraining Order and Order of Seizure and Motion for a Preliminary Injunction and seized unauthorized goods from the individual listed below.

NAME AND ADDRESS OF PERSON
FROM WHOM THINGS WERE SEIZED

Ramon Williams
144 160 St
JAMAICA NY

DATE: 9-3-05

PLACE: Foxboro Gillette Stadium lot

ITEM

QUANTITY


T-SHIRTS & JERSEYS

12

HATS

OTHER (Please specify)

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.


Signature of Server

SERVICE OF PROCESS AND RECEIPT FOR GOODS SEIZED

I, the undersigned below, being over 18 years of age and not a party to this action, a United States Marshal, state police officer, local police officer, local deputy sheriff, or off-duty officer of the same, or a person acting under their supervision, served a copy of the Complaint and the Temporary Restraining Order and Order of Seizure and Motion for a Preliminary Injunction and seized unauthorized goods from the individual listed below.

NAME AND ADDRESS OF PERSON
FROM WHOM THINGS WERE SEIZED

Herbie Williams

124 W 127 St

Bronx NY

DATE: 9-3-05

PLACE: Foxboro, MA, Plot Gillette Stadium

ITEM

QUANTITY

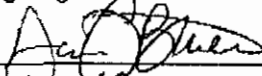
T-SHIRTS & JERSEYS

6

HATS

OTHER (Please specify)

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.


Signature of Server

SERVICE OF PROCESS AND RECEIPT FOR GOODS SEIZED

I, the undersigned below, being over 18 years of age and not a party to this action, a United States Marshal, state police officer, local police officer, local deputy sheriff, or off-duty officer of the same, or a person acting under their supervision, served a copy of the Complaint and the Temporary Restraining Order and Order of Seizure and Motion for a Preliminary Injunction and seized unauthorized goods from the individual listed below.

NAME AND ADDRESS OF PERSON
FROM WHOM THINGS WERE SEIZED

Jimmy Leona
109 East Lake Rd
Micromar Fla

DATE: 9-3-05

PLACE: Ferhore MA Gillette Stadium

ITEM

QUANTITY

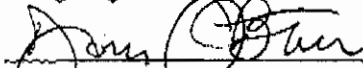
T-SHIRTS & JERSEYS

9

HATS

OTHER (Please specify)

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.


Signature of Server

SERVICE OF PROCESS AND RECEIPT FOR GOODS SEIZED

I, the undersigned below, being over 18 years of age and not a party to this action, a United States Marshal, state police officer, local police officer, local deputy sheriff, or off-duty officer of the same, or a person acting under their supervision, served a copy of the Complaint and the Temporary Restraining Order and Order of Seizure and Motion for a Preliminary Injunction and seized unauthorized goods from the individual listed below.

NAME AND ADDRESS OF PERSON
FROM WHOM THINGS WERE SEIZED

Bill Tuttle
951 Watten Ave
Brooklyn NY

DATE:

9-3-05

PLACE:

Foxboro MA Plot
Gillette Stadium

ITEM

QUANTITY

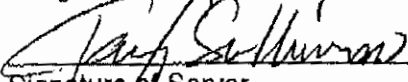
T-SHIRTS & JERSEYS

7

HATS

OTHER (Please specify)

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.


Signature of Server